

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Nephty Cruz as Trustees of The District 6  
International Union of Industrial, Service, Transport  
and Health Employees Health and Pension Plans  
Michael Balletto as Trustees of The District 6  
International Union of Industrial, Service, Transport  
and Health Employees Health and Pension Plans  
Trustees of The District 6 International Union of  
Industrial, Service, Transport and Health Employees  
Health and Pension Plans,

Plaintiff,

-against-

Pinnacle Managing Co., LLC, Realty Corp., LLC also  
known as 3647 Realty Co., LLC also known as  
3657 Realty Co., LLC Wiener Realty, LLC,  
Defendant,

07cv6391(GBD)

CIVIL CASE MANAGEMENT  
PLAN AND SCHEDULING ORDER

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: OCT 18 2007

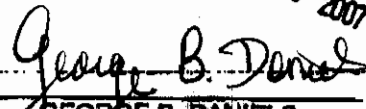
After consultation with counsel for the parties, the following Case Management Plan is adopted. This plan is also a scheduling order pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure.

1. No additional parties may be joined after January 9, 2008.
2. No amendment to the pleadings will be permitted after January 9, 2008.
3. Except for good cause shown, all discovery shall be commenced in time to be completed by April 2, 2008. The Court expects discovery to be completed within 90 days of the first scheduling conference unless, after the expiration of that 90 day period, all counsel stipulate that additional time (not to exceed 60 more days) is needed to completed discovery. In such event, discovery may be extended by the parties on consent, without application to the Court, provided the parties are certain they can still meet the discovery completion date ordered by the Court. The discovery completion date shall not be adjourned except upon a showing of extraordinary circumstances.
4. Dispositive motions are to served by April 18, 2008. Answering papers are to be served within 14 days. Reply papers are to be served within seven (7) days. In the event a dispositive motion is made, the date for submitting the Joint Pretrial Order shall be changed from that shown herein to three(3) weeks from the decision on the motion. The final pretrial conference shall be adjourned to a date four (4) weeks from the decision on the motion.
5. A final pretrial conference will be held on June 4, 2008 at 9:30 a.m..
6. The Joint Pretrial Order shall be filed no later than May 7, 2008. The requirements for the pretrial order and other pretrial submissions shall be governed by the Court's Individual Rules of Practice.
7. All motions and applications shall be governed by the Court's Individual Rules of Practice.

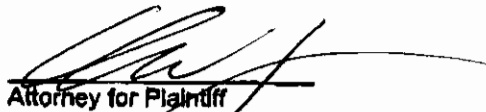
8. The parties shall be ready for trial on 48 hours notice on or after July 10, 2008. The estimated trial time is \_\_\_\_\_ days, and this is a (jury) (non-jury) trial.
9. The Next Case Management Conference will be held on March 5, 2008 at 9:30 a.m..

Dated: August 6, 2007  
New York, New York

SO ORDERED: OCT 18 2007

  
GEORGE B. DANIELS  
United States District Judge

HON. GEORGE B. DANIELS

  
Attorney for Plaintiff

  
Attorney for Defendant